

FARMINGTON CITY COUNCIL MEETING

January 3, 2017

WORK SESSION

Present: Mayor Jim Talbot, Council Members Brett Anderson, Doug Anderson, John Bilton, and Brigham Mellor, City Manager Dave Millheim, Assistant City Manager Keith Johnson, City Development Director David Petersen, Associate City Planner Eric Anderson, City Recorder Holly Gadd, Recording Secretary Lara Johnson, Mike Ulrich from Ulrich & Associates. Council member Cory Ritz was excused.

Review and Acceptance of Audit Report

Mayor Talbot said Mike Ulrich from Ulrich & Associates was here to present Farmington City's Audit Report. **Mike Ulrich** presented the Audit Report to the Council, as well as highlighted a few things discussed in the report. Based on Ulrich & Associates findings, **Mike Ulrich** said they issued a clean opinion, meaning the City is functioning and spending appropriately. He also pointed out that in the last 10 years the property tax rate within the City has remained relatively flat. He feels a relatively flat property tax shows the City is being fiscally responsible.

Dave Millheim mentioned that there seemed to be some resistance from cities when the new state auditor was elected as he introduced new compliance requirements. He asked if there has been any backlash to the new requirements. **Mike Ulrich** said once cities understood the difference in requirements, the transition has been smoother. **Dave Millheim** asked if the changes affected the way Farmington City did their reporting. **Mike Ulrich** said no; Farmington City was already doing most, if not all of it already. He said the biggest change was in transparency reporting, and the City has done that for some time.

Mayor Talbot thanked **Keith Johnson** for his hard work in maintaining and operating within the budget. He said **Keith Johnson** works hard to ensure the City remains within the budget. **Mayor Talbot** said **Keith Johnson** will be receiving one of the highest awards in the country for accounting and management during the meeting tonight. He explained this is the 15th certificate **Keith Johnson** has received for his hard work.

General Plan Amendment Request for Hughes Property

Dave Millheim explained the item before the Council is for the general plan amendment, which is the only item that has been noticed and that has been heard by the Planning Commission. He said the rezone will not be discussed at this time. He explained the applicant brought by new information that was not included in the packet. **Dave Millheim** recommended that the Council table the item to ensure all information is appropriately considered. **Mayor Talbot** agreed, as he feels it is important for the Council to understand all information presented before a decision should be considered.

Dave Millheim pointed out that the Planning Commission recommended denial of this item. He said he understands the Council takes the Planning Commission's recommendations

very seriously, so it may be best to table the item to digest all new information with what was previously presented.

Dave Millheim also explained that this item is not a debate whether or not the 4218 line was located in the wrong place, but that the Council look at the criteria that went into creating the Development Restricted (DR) area in addition to the 4218 line. **Dave Millheim** said **David Petersen** will present background information for the Council to provide some context for the Council on the item. He also said that although it is not a public hearing, it might be appropriate to invite the applicant to make a statement.

Proposed Valuation Table Change for Building Permit Fees

Dave Millheim said **Eric Miller**, the City's Certified Building Official, has worked hard on way to simplify the building permit fees. He said he will further explain the item; however, **Dave Millheim** pointed out that the motion reads "2008," but it should read "2006."

Eric Miller said he hopes to simplify the building permit process. He said currently, there is a table that breaks down the size of the home. The higher the square footage of a home, the more the fees. He said over time the fees have changed, and the table has become increasingly more complicated. He explained the 85% modifier used in calculating the table has been removed from many states. **Eric Miller** said when he removed the modifier, the larger home fees remained the same, but the smaller homes increased. He said for the most part, the review process and inspections are the same for a smaller house than it is for a larger house. He also said there would be a one-time fee for solar inspection. **Dave Millheim** said the proposed resolution amends the line item in the consolidated fee schedule in lieu of doing an ordinance change.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Brett Anderson, Doug Anderson, John Bilton, and Brigham Mellor, City Manager Dave Millheim, Assistant City Manager Keith Johnson, City Development Director David Petersen, Associate City Planner Eric Anderson, City Recorder Holly Gadd, Recording Secretary Lara Johnson, Mike Ulrich from Ulrich & Associates. Council member Cory Ritz was excused.

CALL TO ORDER:

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

The invocation was offered by **Brigham Mellor** and the Pledge of Allegiance was led by **Mayor Jim Talbot**.

PRESENTATIONS:

Review and Acceptance of Audit Report

Mike Ulrich, with Ulrich & Associates, said they have issued an “unqualified opinion” or a clean opinion for the City of Farmington. He provided a brief overview of the audit report.

He cautioned the City to watch the water, sewer, and storm water funds to ensure rates being charged are providing that service for users of the system. He said all other funds are in a positive position. He said there were state compliance concerns; however, they were very minor.

Mayor Talbot asked how Farmington “ranks” in the overall financial health of the city compared to other cities across the state. **Mike Ulrich** said Ulrich & Associates audits approximately 15 different cities; he feels Farmington is one of the top fiscally responsible cities they audit.

Doug Anderson pointed out that he was impressed to learn that there has been almost no property tax increase in the last 10 years. He feels that is very significant.

MOTION:

John Bilton made a motion that the City Council accept the audit report from Ulrich & Associates accepted for the fiscal year 2016. **Doug Anderson** seconded the motion, which was unanimously approved.

Presentation of “Award of Financial Reporting Achievement” to Keith Johnson

Mayor Talbot presented **Keith Johnson** with the “Award of Financial Reporting Achievement.” He explained this certificate of achievement is the highest form of recognition in accounting and management for work within a city. He said it is a considerable recognition that **Keith Johnson** has received the award for 15 years in a row. He also congratulated **Keith Johnson** on his 18th anniversary with Farmington City.

Keith Johnson thanked the Council. He said when he first started with the City no one was available to train him. He said he had to figure out the job on his own, and the job has been a joy since that time. He thanked Ulrich & Associates for the audit. **Keith Johnson** said a few years after working for Farmington, Ulrich & Associates suggested he apply for the award. Since that time, he has received the award every year. **Keith Johnson** explained when the City went to San Francisco for a review of our bond rating many were impressed by the award because they know the level of difficulty it takes to receive it. He said he feels having the award significantly helped in the bond rate adjustment. **Mayor Talbot** agreed; he said the award helped to show the fiscal responsibility of Farmington City, and he feels **Keith Johnson** is to thank for it.

NEW BUSINESS:

Proposed Valuation Table Change for Building Permit Fees

Mayor Jim Talbot turned the time over to **Eric Miller**, the City’s Building Official to explain the proposed changes to building permit fees.

Eric Miller said he has reviewed and would like to amend the residential use building permit fees. He said the building permit fees are calculated based on the cost per square foot of the home. He said the calculations cause confusion for staff and the public. He said the table change is not to raise fees, but to simplify the process. The new building permit fees would be the same for larger than average homes; however, the basic average home fee would increase to \$260. An additional fee for solar would also be added for review fees and inspection. **Mayor Talbot** reminded the Council that the motion reads “2008 ICC Evaluation fee schedule,” but it should read “2006.”

MOTION:

Doug Anderson made a motion that the City Council approve the 2006 ICC fee schedule and Farmington Miscellaneous residential fees (solar) using no modifier for building permits for residential and commercial, and are doing so per the attached resolution. **Brigham Mellor** seconded the motion, which was unanimously approved.

General Plan Amendment Request for Hughes Property

Mayor Jim Talbot said **David Petersen** is going to discuss this item; however, new information was presented by the applicant to the Council for consideration and review. He said it is customary not to take new information at the last minute without giving the Council time to review it. He suggested that the Council table the item.

David Petersen showed the General Plan Land Use map, as well as where the Hughes property and the Development Restricted (DR) area are located. He also showed the current zoning map and where the DR line is located in relation to the zone boundaries. He explained areas on the west zoned AA (Agriculture Very Low Density) have a minimum lot size of 5 acres, and areas zoned AE to the east have a minimum lot size of ½ acre.

David Petersen explained that some areas to the north seem to allow for smaller lot size than the 5 acres, and he explained why. He said back in 2000 when the previous development for 719 acres was being proposed, the yield plan followed the 5 acre minimum lot size for the AA zones and ½ acre minimum lot size for the AE zones. It allowed the developer 450 rooftops, with a density bonus for open space. He said the City Council granted the developer the flexibility to move lot lines; however, the City Council remained true to the 4218 line.

David Petersen explained the wave action of the rise in the flood plain was presented at the 4217 line; however, the governing body at the time went one foot above it to create the 4218 line. Earlier this year, the applicant, Jonathon Hughes, and the Davis County Surveyor Max Elliott came to the City suggesting the 4218 line was incorrectly located when it was created. The applicant and Mr. Elliott presented to the Planning Commission, and showed the City used an incorrect data point so the line should be located further west and south.

David Petersen said the applicant is seeking to have his property zoned AE like the properties surrounding him to the east of the DR line; however, the change to the General Plan and the rezone must be heard by the governing body. He explained to the applicant that the

Planning Commission and the City Council typically want to see plans for what will be built, so it's advisable to request the rezone concurrently with the schematic plan. The applicant opted to move forward with the General Plan, and running the rezone and schematic plan separately.

David Petersen said the item presented to the Council is for the General Plan amendment, and not the rezone. He said with the General Plan amendment, there is only one public hearing required, and it is held at the Planning Commission level.

David Petersen said when the Planning Commission reviewed this item, the Commission took a field trip to look at the area surrounding the DR line, as well as the applicant's property. He said he showed the Planning Commission where the "new" DR area would be located if it was amended to follow the correct 4218 line. He explained that the decision is much greater than the application being considered. He said moving the 4218 line has the potential to place the AE zone extremely close to the bird refuge, among other things. He said the Planning Commission returned from the field trip knowing this General Plan amendment is more than just the 4218 line.

David Petersen also explained that there is not a question as to whether or not the current 4218 line is incorrectly located. He said the line is located incorrectly; however, it was no fault to the City, but that the wrong data point was used in creating it. **John Bilton** asked if there was any debate whether that information is correct. **Dave Millheim** agreed with **David Petersen** that there is no debate on it; the line is incorrectly located.

David Petersen said the Planning Commission gave staff the assignment to read the General Plan and determine what other considerations were taken into account when creating the line. He said he created a matrix based on all criteria considered when the DR area was created in conjunction with the 4218 line. He walked through and explained each item of the matrix for the Council. He said historically, the City Council has strictly adhered to the 4218 since it was created. When it has been challenged, the City Council has pushed back that it is not just about the line but the other criteria are considered.

David Petersen said after thoroughly discussing the item, the Planning Commission recommended denial of the General Plan amendment as there are too many categories that contribute to the DR area.

Mayor Talbot asked for clarification that this is not a 4218 line issue, but that this is a general plan amendment. **Dave Millheim** said there is no question that the 4218 line is in error on the map, but that the real question is the ramifications of using the same logic to correct the line on all 23 parcels affected by the line. He said there are concerns to unilaterally move the line to correct the maps without changing any other criteria. **David Petersen** said the Planning Commission would like to leave the DR area to remain, and to amend the 4218 line to its correct location. **Dave Millheim** clarified that the recommendation for denial from the Planning Commission is not based on the error of the line location as much as the development ramifications of moving the DR area.

Dave Millheim said all this information presented by **David Petersen** was to provide context to the Council. Since there was new information presented by the applicant, **Dave**

Millheim suggested the Council invite the applicant to speak to provide their perspective on the General Plan amendment. **David Petersen** clarified that the property owner is Flat Rock (Mr. and Mrs. Hughes), and Ivory Homes is the agent. **Dave Millheim** reminded the applicant since Flat Rock is the owner, they must give whomever consent to speak. **Mayor Talbot** said after the applicant's comments, the Council will have another opportunity to comment or to table the item so the new information can be reviewed and discussed again in a few weeks.

Brigham Mellor said in reviewing the information the applicant presented, it mentioned all that they want to build can be accomplished in the AA zone. He asked if that is the case, or if it has to be accomplished through a TDR transaction. **David Petersen** said he has not heard anything regarding the matter from the applicant; however, when the item was before the Planning Commission, a TDR transaction was discussed. The Planning Commission did not want to consider that option, as it was not the item before them; however, they felt it was up to the applicant if they would like to consider it.

Mayor Talbot asked if it would be appropriate to hear from the applicant now or if that discussion should take place when the item and the newly presented information is considered. **Dave Millheim** said the Council has three options for tonight's decision. First is to deny the General Plan amendment consistent with the recommendation from the Planning Commission. Second is to overturn the Planning Commission's decision, and third is to table the item. He said he feels it is up to the Council to decide if they would like to hear what the applicant has to say. The Council felt it would be appropriate to hear what the applicant has to say regarding the General Plan amendment.

Nick Mingo, 978 Wood Oak Lane, representative from Ivory Homes is speaking on behalf of Mr. and Mrs. Hughes with their permission. He said it is important for the Council to remember the application is to amend the General Plan for one parcel. He said he feels the question to be considered and answered is whether a 32-acre development is suitable for approximately 34 ½-acre residential lots. He said things like sewer, traffic, water, etc. can be discussed later, but that the real issue before the Council is whether this is an appropriate use for the land. He said they would argue yes, it is an appropriate use for the land. **Nick Mingo** said if the Council agrees, there can be many questions answered during schematic plan, like wetland delineation, ability to sewer, etc. He said this property will not be farmed, nor does it host wildlife like bald eagles on it, but is property that is suitable for development. **Nick Mingo** said if the General Plan amendment decision is to be based on the matrix staff provided, he asked that they be allowed time to hire consultants to consider and review each of those items on the matrix.

John Bilton asked if Flat Rock (the Hughes family) controls any other parcels along the DR area other than Parcel #2. **Dave Millheim** said yes, Flat Rock also controls Parcels #14 and #16.

Mayor Talbot suggested tabling the item as General Plan amendments should be taken seriously. He said he does not feel comfortable amending the General Plan until all ramifications are understood. He said he feels tabling the item does not limit the applicant and developer from continuing the work on the project. **Brigham Mellor** asked if the ordinance allows for a rezone outside of the General Plan designations. **Mayor Talbot** said that has rarely been done. **Dave Millheim** said it is a doable option, although it is not "good practice."

The Council discussed other potential lines that could be considered, like sewer availability or the potential of a large development barrier (the WDC). **Brett Anderson** said he feels the 4218 line has served its purpose for a long time. He said he feels a new line may be a combination of many different factors. **David Petersen** said the 16 criteria in the matrix are all of those factors that were previously used in creating the line. He said consultants could be hired to gain a better perspective of some of the listed criteria.

MOTION:

Doug Anderson made a motion that the City Council table the item for further discovery and analysis. **John Bilton** seconded the motion, which was unanimously approved.

SUMMARY ACTION

Minute Motion Approving Summary Action List

1. Approval of Additional Fire Personnel
2. Park Lane Commons Phase IV Deferral Agreement
3. License Agreement for Bassett Leach Field
4. Approval of Minutes from November 15, 2016
5. Approval of Minutes from December 6, 2016

Dave Millheim asked that item numbers 2 and 3 be pulled from the Minute Motion list, but that items 1, 4, and 5 be considered.

MOTION:

Brett Anderson made a motion to approve the items on the Summary Action List 1, 4 and 5, and to pull item 2 and 3. **Doug Anderson** seconded the motion, which was unanimously approved.

David Petersen said Cabela's is selling off a parcel located to the north of the store to an LLC owned by The Haws Companies; however, they do not own it yet. It is written in the development agreement that the developer has to own the property prior to recordation. **Dave Millheim** recommended that the City Council approve the Deferral Agreement. **Mayor Talbot** asked if the agreement would still be approved if Cabela's decides to not sell the parcel. **Dave Millheim** said no, it would not go into the agreement, as the LLC is not the owner so he cannot legally sign the agreement.

The Council expressed concerns on the matter, as they are unsure if the City has the right to enter into an agreement with THC if they are not the owner of the property. **Mayor Talbot** suggested a "sunset" be placed on the motion. **Dave Millheim** suggested a sunset of 90 days be placed as to ensure there is not an open-ended contract. He suggested approving the Park Lane Commons as drafted with the owner of record signature on the document before it is recorded and has a 90 days sunset if not executed.

MOTION:

Brett Anderson made a motion that the City Council approve the enclosed street and sidewalk improvement deferral agreement for lots 402 and 403 in Park Lane Commons Phase IV subdivision subject to the following:

1. The Planning Commission must approve the minor plat for the Park Lane Commons Phase IV subdivision;
2. The deferral agreement must be recorded concurrently with the recordation of the minor plat;
3. The agreement be executed and signed by the owner of record;
4. There is a 90-day sunset from tonight's date of January 3, 2017, at which point if there is not valid execution, approval is null and void.

Brigham Mellor seconded the motion, which was unanimously approved.

Dave Millheim said item #3 was pulled and will be brought back at a later date.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

- The Executive Summary for the Planning Commission meeting held on December 1, 2016 and December 15, 2016, and the November Fire Monthly Activity Report for Police and Fire are included in the staff report.
- Although the SAA has died down, the City is still dealing with the planning and engineering of rebuilding 650 W. and Glovers Lane. Based on the input from City Council, staff made the decision, under the franchise agreement, where to put the power poles. He said the location for the poles on 650 W. has been completed; however, they are deciding where the pole placement makes the most sense along Glovers Lane. Since the location of the sewer line will be located on the north side of the new high school, they will not be able to plant any trees in front of the high school. The Council discussed various options on tree placement along the school, as well as pole placement and told staff to go ahead as planned.

Council Member Brett Anderson

- Council member **Brett Anderson** brought to the attention of the Council frustrations a member of the community had regarding burial plots. A discussion took place regarding the rules and procedures for the City cemetery. The Council members and staff discussed how burial plots are sold and assigned.

Mayor Jim Talbot

- **Mayor Talbot** asked for volunteers to attend the Elected Officials Day on January 25, 2017. He asked that those that can attend to let Holly know. ‘

- He thanked the City Council members, **Dave Millheim**, and **Holly Gadd** for all their hard work.

Council members John Bilton, Doug Anderson and Brigham Mellor did not have anything to report at this time.

CLOSED SESSION

Motion:

At 9:13 p.m., **John Bilton** made a motion to go into a closed meeting for purpose of property acquisition. **Brigham Mellor** seconded the motion, which was unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Jim Talbot, Mayor

Motion:

At 9:33 p.m., a motion to reconvene into an open meeting was made by **Doug Anderson**. The motion was seconded by **Brigham Mellor**, which was unanimously approved.

ADJOURNMENT

Motion:

At 9:33 p.m., **Brigham Mellor** made a motion to adjourn the meeting. **John Bilton** seconded the motion, which was unanimously approved.

Holly Gadd, City Recorder
Farmington City Corporation

Posted 01/08/2017